

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 09-349(1) & (2) (DWF/SRN)

Plaintiff,

v.

**ORDER**

Joseph L. Finney (1) and Mark S. Sutton (2),

Defendants.

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Robert M. Lewis, Assistant United States Attorney, United States Attorney's Office, counsel for Plaintiff.

William M. Orth, Esq., Law Office of William M. Orth, counsel for Defendant Sutton.

Clifford J. Barnard, Esq., Law Office of Clifford J. Barnard, and Kevin M. O'Brien, counsel for Defendant Finney.

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This matter has come before the Court upon Defendant Joseph L. Finney's motion to continue the presently scheduled jury trial currently scheduled for July 12, 2010. (Doc. No. 72.) Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by the granting of such continuance outweigh the best interest of the public and the Defendants in a speedy trial. This finding is based on the facts set forth in the motion.

Accordingly, **IT IS HEREBY ORDERED**, that:

1. The Motion to Continue Jury Trial (Doc. No. [72]) is **GRANTED**;

2. The period from the date of this order through October 4, 2010, shall be excluded from the Speedy Trial Act computations in this case;
3. All voir dire questions, and proposed Jury Instructions shall be submitted, pursuant to the Electronic Case Filing Procedures for the District of Minnesota/Criminal and according to the directives of the Honorable Donovan W. Frank, no later than 4:30 p.m. on September 21, 2010;
4. The pretrial is set for 9:00 a.m., on Tuesday, September 28, 2010, before the Honorable Donovan W. Frank, Courtroom 7C, 7th Floor, Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota; and

5. The trial in this matter will be held on Monday, October 4, 2010, at 9:00 a.m., Courtroom 7C, 7th Floor, Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota.

Dated: July 1, 2010

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge